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Schedule B

CHRISTOPHER J. CHRISTIE
United States Attorney
By: R. Joseph Gribko
Assistant United States Attorney
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

v.

JAMES POWELL

: Hon.

: Criminal No.

06-529(JLL)

: CONSENT JUDGMENT
AND PRELIMINARY
ORDER OF FORFEITURE

This matter having been opened to the Court by Christopher J. Christie, United States Attorney for the District of New Jersey, R. Joseph Gribko, Assistant United States Attorney appearing, and Carl J. Herman, Esq., for defendant James Powell, state as follows:

WHEREAS, in accordance with the Plea Agreement dated on or about January 16, 2008, entered into between the United States of America and defendant James Powell in the above matter, the defendant pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) agrees to the forfeiture of:

- (1) One Smith & Wesson .41-Caliber handgun, serial number 42389; and
- (2) Five (5) .hollow-point bullets

WHEREAS, defendant James Powell specifically acknowledges notice of the criminal forfeiture, consents to the entry of a Consent Judgment and Preliminary Order of Forfeiture, and waives his right to be present and heard on the timing and form of this order pursuant to Federal Rules of Criminal Procedure 32.2 and 43(a); and

WHEREAS, defendant James Powell agrees not to contest the forfeiture of the above referenced property;

WHEREAS, by virtue of the above, the United States is now entitled to possession of the herein described assets pursuant to 18 U.S.C. § 924(d), 28 U.S.C. § 2461(c) and Rule 32.2 of the Federal Rules of Criminal Procedure; and

WHEREAS, defendant James Powell waives and abandons all right, title, and interest in the firearm and ammunition listed above. Defendant James Powell further waives, releases, and withdraws any claim that defendant may have made with respect to the above listed firearm and ammunition and waives and releases any claim that defendant might otherwise have made to them in the future; and

WHEREAS, defendant James Powell consents to the destruction of the above listed firearm and ammunition.

It is hereby **ORDERED, ADJUDGED, AND DECREED:**

That the property, specifically:

- (1) One Smith & Wesson .41-Caliber handgun, serial number 42389; and
- (2) Five (5) .hollow-point bullets

are to be held by any authorized agency of the United States in its secure custody and control;

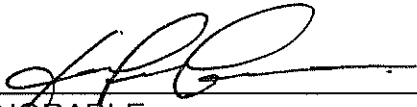
That pursuant to applicable law the United States forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, notice of this Order, notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct and notice that any person, other than the defendant, having or claiming a legal interest in any of the above-listed forfeited property must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right or interest in the forfeited firearm and ammunition and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of this Consent Judgment and Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified; and

That upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture including authority to destroy the above listed firearm and ammunition.

ORDERED this 31ST day of March, 2008

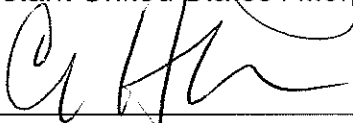


HONORABLE
United States District Judge

RALPH J. WARRA JR.
CHRISTOPHER J. CHRISTIE
ACTING UNITED STATES ATTORNEY

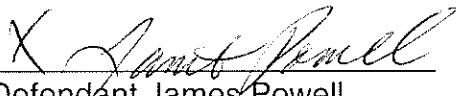

By: R. Joseph Gribko *Rodney Villaz*
Assistant United States Attorney

Dated 3/31/2009



Carl J. Herman, Esq.
Counsel for the Defendant

Dated 3/23/09



Defendant James Powell

Dated 3/23/09